

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JEFFREY VELAZQUEZ,) CASE NO. 07-23312 JPK
) Chapter 13
Debtor.)

ORDER CONCERNING ASSUMPTION OF LEASE

On February 12, 2008, a document entitled "Assumption of Lease" was filed as record entry #36 on the docket record of this case, described by the debtor's counsel in that docket entry as a "Motion to Assume Lease or Executory Contract". First, the document is signed by the debtor, and not by counsel for the debtor, and thus it is not a "motion" and presents nothing to the Court: in a case in which a debtor is represented by counsel, any matter filed with the Court must be signed by the debtor's attorney. More importantly, the attempted action of seeking to assume the executory contract apparently entered into between the debtor and GMAC is unnecessary, in that the debtor's plan provides for the assumption of that lease: as provided by Fed.R.Bankr.P. 6006(a), a proceeding to assume an executory contract or unexpired lease is a contested matter governed by Fed.R.Bankr.P. 9014, "other than as part of a plan", thus indicating that a separate contested matter to assume a lease or executory contract is not necessary if the plan itself provides for the assumption.

IT IS ORDERED that the Court will take no action with respect to the foregoing "Assumption of Lease".

Dated at Hammond, Indiana on March 27, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee